

Washington

Office of the Secretary

Dear Mr. Chairman:

Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect to S. 920, 88th Congress, a bill "To amend sections 303 and 310 of the Communications Act of 1934, as amended, to provide that the Federal Communications Commission may, if it finds that the public interest, convenience, or necessity may be served, issue authorizations, but not licenses, for alien amateur radio operators to operate their amateur radio stations in the United States, its possessions, and the Commonwealth of Puerto Rico provided there is in effect a bilateral agreement between the United States and the alien's government for such operation by United States amateurs on a reciprocal basis". The Secretary of Defense has delegated to the Department of the Air Force the responsibility for expressing the views of the Department of Defense.

The purpose of S. 920 is as stated in its title. Specifically it would provide that the Federal Communications Commission, if it found that the public interest, convenience, or necessity would be served, could authorize alien amateur radio operators to operate their amateur radio stations in the United States, its possessions, and the Commonwealth of Puerto Rico provided there was in effect a bilateral agreement between the United States and the alien's government for such operation by United States amateurs on a reciprocal basis.

Section 303(1) of the Communications Act of 1934, as amended (47 U.S.C. 303(1)), authorizes the Federal Communications Commission (FCC) to license as radio operators "such citizens of the United States as the Commission finds qualified." Section 310(a) of the same Act prohibits the Commission from granting a radio station license to, among others, "any alien or representative of any alien." These prohibitions against alien ownership and operation of radio stations have been carried over from the original Radio Act of 1927 (44 Stat. 1162) for the protection and security of the United States and its military and civilian radio communication. Only two exceptions are permitted. The first is covered by a convention between the United States and Canada (TIAS No. 2508) concerning the operation of certain radio equipment, including amateur radio stations, by citizens of either country while in the other country. The second is contained in sections 303(1) and 310(a) of the Communications Act and concerns certain alien pilots flying aircraft in the United States.

In the past, the United States and its representatives have frequently been embarrassed because we have denied citizens of other countries the right to operate radios in this country and have, at the same time, sought to secure for our citizens amateur rights in foreign countries. The United States would appear in a more favorable light if we were to permit amateurs of other countries to operate radio stations here under the same safeguards that other governments apply to foreigners who operate amateur radios. It is believed that a bill which would permit reciprocal licensing of radio amateurs and, at the same time, provide adequate safeguards for the national security, would be of net benefit to the United States. Our status in the community of nations requires such a course of action unless there are powerful reasons to the contrary.

Accordingly, the Department of Defense supports the enactment of S. 920.

The following technical change is recommended to the bill:

Delete the words "if it finds that the public interest, convenience or necessity may be served," from the title of the bill. This requirement does not appear in the text of the bill.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,

Honorable Warren G. Magnuson
Chairman, Committee on Commerce
United States Senate